

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76 and chapters 154A and 272C, the Board of Hearing Aid Specialists hereby amends Chapter 121, “Licensure of Hearing Aid Specialists,” Chapter 122, “Continuing Education for Hearing Aid Specialists,” Chapter 123, “Practice of Hearing Aid Dispensing,” and Chapter 124, “Discipline for Hearing Aid Specialists,” Iowa Administrative Code.

This rule making discusses licensure procedures for practitioners. These amendments are mainly technical in nature, including updates to contact information for the Board’s website, updates to definitions and clarification of references throughout the chapters.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3409C** on October 25, 2017. A public hearing was held on Wednesday, November 15, 2017. No public comment was received. These amendments are identical to those published under Notice.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 147, 154A and 272C.

These amendments will become effective February 7, 2018.

The following amendments are adopted.

ITEM 1. Amend rule **645—121.1(154A)**, definitions of “Department,” “Dispense,” “Hearing aid specialist” and “License,” as follows:

“*Department*” means the Iowa department of public health.

“*Dispense*” or “*sell*” means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

“*Hearing aid specialist*” means any person engaged in the fitting, dispensing and ~~the~~ sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board.

“*License*” means a license issued by the state to a hearing aid specialists specialist.

ITEM 2. Amend paragraphs **121.2(4)“b”** and **“c”** as follows:

b. Evaluating the audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person; ~~and~~

c. Notifying the board within 15 days of the termination of the holder of a temporary permit; and

ITEM 3. Amend paragraphs **121.3(1)“e”** and **“f”** as follows:

e. Provide direct supervision of the trainee before completion of the first 90 days for any client activity that would require dispensing of hearing aids, including evaluation, selection, fitting or selling of hearing aids; ~~and~~

f. Cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit; and

ITEM 4. Amend subrule 121.4(1) as follows:

**121.4(1)** The applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s Web site (~~http://www.idph.state.ia.us/licensure~~) website (www.idph.iowa.gov/licensure) or directly from the board office. All applications shall be sent to Board of Hearing Aid Specialists, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

ITEM 5. Amend subrule 121.5(2) as follows:

**121.5(2)** The applicant shall not take the examination more than three times. If the applicant fails a third examination, the applicant is required to submit a request to the board with a proposed course of study. The board ~~will~~ has discretion to determine whether if the request will be granted.

ITEM 6. Amend rule 645—121.6(154A), introductory paragraph, as follows:

**645—121.6(154A) Licensure by endorsement.** An applicant who has been a licensed hearing aid specialist under the laws of another jurisdiction and would like to be considered for licensure in Iowa shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

ITEM 7. Amend subrule 121.9(3) as follows:

**121.9(3)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule ~~125.1(5)~~ 5.7(5). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 8. Amend subrule 121.14(2) as follows:

**121.14(2)** Pay the reactivation fee that is due as specified in 645—subrule ~~125.1(6)~~ 5.7(6).

ITEM 9. Amend rule ~~645—122.1(154A)~~, definition of “Continuing education,” as follows:

“*Continuing education*” means planned, organized learning acts ~~acquired during initial licensure~~ designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

ITEM 10. Amend subrules 122.2(1) and 122.2(2) as follows:

**122.2(1)** The biennial continuing education compliance period shall extend for a two-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the next even-numbered year. Each biennium, each person who is licensed to practice as a hearing aid specialist in this state shall be required to complete a minimum of 32 hours of continuing education approved by the board. ~~For the 2011-2012 compliance period for license renewal on January 1, 2013, and every renewal biennium thereafter, a~~ A minimum of 2 hours shall be in the content areas of Iowa hearing aid specialist law and rules, or ethics.

**122.2(2)** ~~Requirements for new licensees.~~ Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 32 hours of continuing education per biennium for each subsequent license renewal.

ITEM 11. Amend rule 645—123.4(154A), introductory paragraph, as follows:

**645—123.4(154A) Requirements for record keeping.** A licensee shall keep and maintain records in the licensee’s office or place of business at all times, and each such record shall be kept and maintained for a seven-year period.

ITEM 12. Amend subrule 124.2(3) as follows:

**124.2(3)** Professional ~~incompetence~~ incompetency. Professional ~~incompetence~~ incompetency includes, but is not limited to:

- a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice;
- b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other hearing aid specialists in the state of Iowa acting in the same or similar circumstances;
- c. ~~A failure~~ Failure to exercise the degree of care which is ordinarily exercised by the average hearing aid specialist acting in the same or similar circumstances;

*d.* Failure to conform to the minimal standard of acceptable and prevailing practice of licensed hearing aid specialists in this state.

*e.* Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

*f.* Being adjudged mentally incompetent by a court of competent jurisdiction.

ITEM 13. Amend subrule 124.2(34) as follows:

**124.2(34)** Unethical conduct. In accordance with Iowa Code ~~section~~ sections 147.55(3) and 154A.24(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:

*a.* Verbally or physically abusing a patient, client, or coworker.

*b.* Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.

*c.* Betrayal of a professional confidence.

~~*d.* Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.~~

~~*e.* Being adjudged mentally incompetent by a court of competent jurisdiction.~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/3/18.